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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/623,439	12/04/2000	Edward Hendry Baker	033107-001	3867
38706	7590	02/10/2006	EXAMINER	
FOLEY & LARDNER LLP 1530 PAGE MILL ROAD PALO ALTO, CA 94304			LEE, Y YOUNG	
			ART UNIT	PAPER NUMBER
			2613	
DATE MAILED: 02/10/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/623,439

Applicant(s)

BAKER ET AL.

Examiner

Y. Lee

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 and 15-17 is/are pending in the application.  
4a) Of the above claim(s) 15-17 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-12 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/5/00  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I, claims 1-12 in the reply filed on 10/31/05 is acknowledged.
2. Claims 15-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/31/05.

With respect to applicant's special request, it is noted claim 12 mirrors claim 1. Claims 15-17 however, as pointed out by the applicant, are directed to a different invention of establishing a communication system.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Priority***

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### **Arrangement of the Specification**

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As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "Video Data Communication System for Mobile Objects on a Race Track".

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. Claim 1 recites the limitation "said video signal" in line 3. There is insufficient antecedent basis for this limitation in the claim.
9. Claim 10 recites the limitation "said control means" in line 7. There is insufficient antecedent basis for this limitation in the claim.
10. Claim 10 recites the limitation "the desired signal" in line 8. There is insufficient antecedent basis for this limitation in the claim.
11. Claim 11 recites the limitation "the control means" in line 1. There is insufficient antecedent basis for this limitation in the claim.
12. Claim 11 recites the limitation "the desired receiver" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1, 2, 5, 6, and 8-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Lemelson et al (2002/0022927).

Lemelson et al, in Figures 1-5 and 19, discloses a GPS vehicle control system and method that is the same communication method and system as specified in claims 1, 2, 5, 6, and 8-12 of the present invention, including a video signal source and transmitter provided on a mobile object 2 for generating and transmitting the video signal on at least a first carrier frequency (e.g. Fig. 19); at least first and second receivers 10 for receiving the transmitted video signal on the first carrier frequency, the first and second receivers 10 having at least partially overlapping detection areas and being located at spaced apart locations (e.g. Fig. 1); a position detector (e.g. GPS) for generating a position signal indicative of the position of the mobile object 2 using indications other than parameters of the received video signal and carrier; a controller 12 responsive to the position signal for selecting one of the video signals received by the first and second receivers 10 and outputting the selected signal, the controller 12 being located other than in the mobile object 2.

With respect to claims 2, 5, 6, and 8-11, the controller 12 changes from receiving the signal received by the first receiver to the second receiver when the mobile object 2 is at a pre-determined distance from the first receiver; the transmitter can be controlled to transmit selectively on a plurality of frequencies (e.g. 20, 24, etc.); wherein the transmission frequency 16 of the transmitter is controlled by the controller 12; at least one further transmitter 20 provided on at least one further mobile objects 2, each transmitter simultaneously transmitting video signals to one or more of the receivers 10;

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wherein the receivers 10 and the controller 12 are interconnected by a network (Fig. 2) comprises first and second signal lines (Fig. 1); the output of each of the receivers is selectively connectable, under the control of the controller 12, to the first, the second or neither of the signal lines such that, in use, the output from one of the receivers is connected to the first signal line and the output of a second one of the receivers is connected to the second signal line (e.g. control link 16); and the control means 12 outputs the signal on the signal line connected to the receiver 10 receiving the desired signal; and a further output (e.g. radio link 24) connected to the signal line not connected to the desired receiver 10.

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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17. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson et al.

It is noted Lemelson et al differs from the present invention in that it fails to particularly disclose any details regarding the arrangement of antennas 10 as specified in claims 3 and 4. However, Examiner takes Official Notice that such feature as setting up helical antennas at the proper height from the ground is notoriously well known in the communication art. Therefore, one of ordinary skill in the art would have had no difficulty in recognizing that any receiver such as those deployed in Lemelson et al would require the proper space and altitude in order to move or receive the desired signals.

18. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson et al in view of Jones et al (5,194,843).

Although the position detector of Lemelson et al determines the position of the mobile objects, it is noted Lemelson et al differs from the present invention in that it fails to particularly disclose a timing system as specified in claim 7. Jones et al, however, teaches the concept of such well known timing system of a race track. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, having both the references of Lemelson et al and Jones et al before him/her, to exploit the well known timing system as taught by Jones et al in the communication system such as the setup in Figure 19 of Lemelson et al, in order to provide an automatic communication system.



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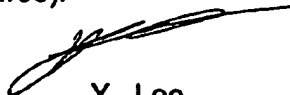
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Lee whose telephone number is (571) 272-7334.

The examiner can normally be reached on (571) 272-7334.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Y. Lee  
Primary Examiner  
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